

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 23, 2005. Claims 1-19 were pending in the Application. In the Office Action, Claims 1, 2, 8-11 and 14-16 were rejected, and Claims 3-7, 12-17 were objected to. In order to advance and expedite prosecution of this Application, Applicants amend Claims 1, 4-7 and 17, and Applicants cancel without prejudice or disclaimer Claims 3 and 16. Thus, Claims 1, 2, 4-15 and 17-19 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

DRAWING OBJECTION

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a). Specifically, the Examiner indicated that that “fan” recited by dependent Claim 9 must be shown in the drawings. Applicants respectfully disagree. However, in order to expedite the prosecution of the present Application, Applicants have added new FIGURE 7 illustrating an embodiment of a fan as recited by dependent Claim 9 and at least at paragraph 0013 of Applicants’ specification. Replacement sheets of the drawings containing new FIGURE 7 are attached herewith in Appendix A. Applicants respectfully request that this objection be withdrawn.

SECTION 112 REJECTIONS

Claim 9 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In this regard, the Examiner asserts that Claim 9 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention (Office Action, page 3). Applicants respectfully disagree.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of nonenablement. For example, Applicants respectfully point out to the Examiner that:

[T]he PTO has the burden of giving reasons, supported by the record as a whole, why the specification is not enabling

Showing that the disclosure entails undue experimentation is part of the PTO's initial burden

In re Angstadt, 537 F.2d 489, 190 USPQ 214, 219 (C.C.P.A. 1976). Further, it is well established that "the first paragraph of 35 USC 112 require[s] nothing more than objective enablement." *Stahhelin v. Secher*, 24 USPQ2d 1513, 1516 (B.P.A.I. 1992).

The present Application is directed toward an "engaging mechanism 10" for securing a component to a computer chassis (Applicants' specification, paragraphs 0014-0021; figures 1-6). In one illustrated embodiment of the instant Application, the "engaging mechanism 10" is directed toward securing a "media drive" to the computer chassis (e.g., "any media drive now known or later developed, for example, a hard disk drive, an optical disk drive, a tape drive, a floppy disk drive, and the like") (Applicants' specification, paragraph 0015). Applicants' specification also recites:

The present invention will be described herein with reference to a component, such as a media drive. The teachings of the present invention may be used with respect to other types of components, such as, for example and not by way of limitation, a fan.

(Applicants' specification, paragraph 0013) (emphasis added). Applicants respectfully submit that the present Application contains a written description of an invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same in full compliance with 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully submit that this rejection is improper and should be withdrawn.

DOUBLE PATENTING

Claim 16 was objected to under 37 CFR §1.175 as being a substantial duplicate of Claim 2. Applicants cancel Claim 16 without prejudice or disclaimer. Further, Applicants amend Claim 17 to depend from Claim 2. Thus, Applicants respectfully request that this rejection be withdrawn.

SECTION 102 REJECTIONS

Applicants thank the Examiner for the telephone conference held on November 15, 2005, during which the apparent misidentification of a reference cited under section 7 of the Office Action was discussed. Applicants thank the Examiner for indicating that under section 7 of the Office Action, the cited reference should be U.S. Patent No. 6,297,952 issued to Liu et al. (hereinafter "*Liu*"). Thus, according to the Examiner, Claims 1-2, 8, 10 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,449 issued to Liao et al. (hereinafter "*Liao*"), and Claims 1, 11 and 14-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Liu*. Applicants have canceled Claim 16 without prejudice or disclaimer, rendering the rejection of Claim 16 moot. Applicants respectfully traverse this rejection for the remaining rejected claims.

Of the rejected claims, Claim 1 is independent. Applicants respectfully submit that independent Claim 1, as amended, is patentable over the cited references. For example, Applicants have amended Claim 1 to recite "at least one biasing element operable to bias said clamp to an engaged position in which said clamp secures said component to said cage," such limitation indicated by the Examiner to be patentable over the cited references based on the Examiner's objection of Claim 3. Accordingly, Applicants respectfully submit that neither *Liao* nor *Liu* disclose or even suggest the limitations of amended Claim 1. Therefore, Applicants respectfully submit that Claim 1, and Claims 2, 8, 10, 11, 14 and 15 that depend therefrom, are in condition for allowance.

CLAIM OBJECTIONS

The Examiner objected to Claims 3-7, 12, 13 and 17 as being dependent on a rejected base claim (Claim 1). Applicants thank the Examiner for indicating that Claims 3-7, 12, 13 and 17 would be allowable if rewritten in independent form. Applicants have amended Claim 1 to incorporate the limitation of Claim 3, and Applicants have canceled without prejudice or disclaimer Claim 3. Applicants have also amended Claims 4-7 for dependency and/or antecedent basis purposes based on the amendment to Claim 1, Claims 12 and 13 depend from Claim 11 which, in turn, depends from Claim 1, and Claim 17 has been

amended to depend from Claim 2 which, in turn, depends from Claim 1. Thus, Applicants respectfully requests that this objection be withdrawn.

ALLOWED CLAIMS

Applicants thank the Examiner for indicating the allowance of Claims 18 and 19. Claims 18 and 19 remain unchanged. Therefore, Applicants respectfully submit that Claims 18 and 19 remain in condition for allowance.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicants have overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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